

TENNESSEE REGULATORY AUTHORITY

Melvin Malone, Chairman
Lynn Greer, Director
Sara Kyle, Director



460 James Robertson Parkway
Nashville, Tennessee 37243-0505

September 14, 1999

99-00636

Mr. Eric J. Branfman
Swidler Berlin Shereff Friedman, LLP
3000 K Street, Suite 300
Washington, DC 20007-5116

Mr. Floyd McKendree
Sprint Corporation
MS: KSFRWB0301
4220 Shawnee Mission Parkway
Fairway, KS 66205

In Re: Approval of Interconnection Agreement Negotiated by United
Telephone-Southeast, Inc. and KMC Telecom III, Inc. pursuant to Sections
251 and 252 of the Telecommunications Act of 1996.

Dear Sirs:

On August 30, 1999, United Telephone-Southeast and KMC Telecom III, Inc. submitted the above Agreement to the TRA for approval pursuant to Section 251 and 252 of the Act. The Agreement consists of the Interconnection and Resale Agreement entered into by United Telephone-Southeast, Inc. and USLEC of Tennessee, Inc. which was approved by this Authority on March 23, 1999.

Section 252(e) of the Act sets forth guidelines states must follow in approving or rejecting agreements. The Staff has examined the Agreement in the context of how it comports with the existing regulatory/telecommunications environment in Tennessee. The Staff has identified some suggested changes that they feel could provide more safeguards for KMC customers and make the Agreement more non-discriminatory to other carriers. The suggested changes are listed below:

- (1) Section 1.2 of the Agreement addresses discontinuing an interconnection arrangement, Telecommunications Service or Network Element by United Telephone-Southeast. The Staff maintains that additional wording is in order that will guarantee that KMC customers will continue to receive any discontinued service or arrangement for resale to its customers for as long as

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United Telephone-Southeast continues to provide those same services or arrangements to its own customers.

- (2) Section 252(i) of the Act provides "A local exchange carrier shall make available any interconnection, service, or network element provided under an agreement approved under this section to which it is a party to any other requesting telecommunications carrier upon the same terms and conditions as these provided in the agreement." Many other interconnection agreements specifically state the obligations of the local exchange carrier in this regard. The wording contained in those agreements very clearly states the intent to comply with 252(i) and the Supreme Court ruling concerning that section. The Staff requests that the parties add similar wording to this Agreement.

Please provide a response to the above request by September 24, 1999. If you have any questions concerning this matter please call Carsie Mundy or Darlene Standley in the Telecommunications Division.

Yours truly,

A handwritten signature in black ink, appearing to read "D. Waddell", written over a horizontal line.

David Waddell
Executive Secretary